

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RYAN KIME,

Plaintiff,

v.

**ADVENTIST HEALTH CLEARLAKE
HOSPITAL, INC., ET AL.,**

Defendants.

Case No. 16-cv-04502-YGR

**ORDER GRANTING MOTION TO DISMISS
WITH LEAVE TO AMEND; DENYING MOTION
TO STRIKE**

Re: Dkt. Nos. 27, 29


Defendant filed its Motion to Dismiss on November 7, 2016. (Dkt. No. 27.) The matter came on for hearing on December 13, 2016. Having carefully considered the briefing and arguments submitted in this matter, and for the reasons set forth in full detail on the record on December 13, 2016, Defendant's Motion to Dismiss, with respect to Counts One and Two, is **GRANTED WITH LEAVE TO AMEND**. Plaintiff shall file an amended complaint no later than January 12, 2017.

Until the Court decides whether a claim exists which raises a federal question, the question of whether it will exercise supplemental jurisdiction, pursuant to 28 U.S. Code § 1367(c)(3), over the remaining state law claim remains uncertain. Accordingly, the Court **DENIES** the related Motion to Strike as premature. (Dkt. No. 29.)

This Order terminates Dkt. Nos. 27 and 29.

IT IS SO ORDERED.

Dated: December 14, 2016


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE